

Article - Natural Resources

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§5-9B-02.

(a) The General Assembly declares that:

(1) It is State public policy to improve, conserve, and manage the quality of the waters of the State and protect, maintain, and improve the quality of water for public supplies, propagation of wildlife, fish and aquatic life, and domestic, agricultural, industrial, recreational, and other legitimate beneficial uses;

(2) It is also the policy of the State to preserve valuable open space in its natural, agricultural, or forestry use, which will not only help contain sprawl development but will also improve the water quality of the Chesapeake Bay and its tributaries by limiting point and nonpoint sources of pollution and help meet a goal of the Chesapeake Bay agreement permanently to protect 20% of the Chesapeake Bay watershed by 2010;

(3) The promotion of water quality in this State is closely related to the promotion of land preservation, requiring integration and coordination of the planning for the development and use of the water and associated land resources and inviting innovative solutions for protection of watersheds, including acquisition of land and easements for water quality protection and preservation of natural resources; and

(4) New funding sources designed to improve water quality and land preservation should be made available in the form of matching grants to local governments so as to leverage and fully utilize all available money and create incentives that will encourage local governments to develop their own funding for water quality protection and land conservation and preservation projects.

(b) (1) A county or municipal corporation may adopt a local land preservation program to enhance natural resource, agricultural, forestry, and environmental protection and park and recreational uses as provided in subsection (a) of this section while maintaining the viability of resource-based land usage and proper management of tillable and wooded areas through accepted agricultural and silvicultural practices for farm production and timber harvests.

(2) A program shall provide funds to the local government units to purchase interests in real property from willing sellers, including easements, transferable development rights, and fee estates.

(3) A program shall encourage partnerships among the federal, State, and local governments, and nonprofit land trust organizations and encourage local land conservation initiatives.

(4) Each program shall be administered in accordance with local law adopted under the authority of this subtitle.

(c) (1) A program shall be funded by a continuing, dedicated, and clearly identified local or private funding source, not derived from State funds, that is adopted in accordance with State or local law. Funding under the program may not be used by the local government to supplant existing or planned local funds dedicated to land preservation.

(2) Subject to availability of funds under § 5–9B–05 of this subtitle, a program shall also be eligible for State funding each year that equally matches locally provided funding.

(3) Commencement of State funding under paragraph (2) of this subsection is also subject to the attainment of a specified number of counties participating and a specified population of participating counties.

(d) The local governing body may adopt regulations to implement a local land preservation program under this subtitle, including procedures for expediting acquisitions and purchasing and selling transferable development rights and using the proceeds related to purchasing and selling transferable development rights in accordance with local law.

(e) (1) The local governing body shall establish a method acceptable to the Department for appraising the value of conservation easements acquired under this subtitle. The local governing body shall use the method used by the county under Program Open Space for appraising fee simple interests in property acquired under this subtitle.

(2) Any method for appraisal established by a local governing body may not include a value for any resource used or reserved by the owner for private economic benefit.

(f) A local governing body may enter into agreements with other governmental units, including the Rural Legacy Board, the Maryland Agricultural Land Preservation Foundation, and the Maryland Environmental Trust, for the purpose of establishing partnerships to carry out a local land preservation program.

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